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ART UNIT	**PAPER NUMBER**
2623	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/761,411	TOMSEN ET AL.	
	Examiner	Art Unit	
	Scott Beliveau	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,6-10,14-32,36-40 and 44-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,6-10,14-32,36-40 and 44-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/3/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application 60/246,542 upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 1, 2, 6-10, 14-32, 36-40, and 44-62 of this application. The '542 provisional application fails to disclose a method and system for selectively retrieving and displaying supplemental content related to a television program being displayed as claimed. In particular, the earlier filling fails to clearly disclose or suggest the step of "in response to detecting a channel change . . . ". Provisional application no. 60/258,164, however, provides support for the aforementioned claims. Accordingly, the application shall receive the benefit of the '164 provisional application and claims 1, 2, 6-10, 14-32, 36-40, and 44-62 shall be examined on the basis of 22 December 2000.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 03 July 2006 was filed after the mailing date of the Non-Final Rejection on 16 March 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 2, 6-10, 14-32, 36-40, and 44-62 have been considered but are moot in view of the new ground(s) of rejection as necessitated by applicant's amendment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 2, 6-10, 14, 15, 18-24, 26-32, 36-40, 44, 45, 48-54, and 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis et al. (US Pat No. 5,428,400), in view of Wong et al. (US Pat No. 6,748,375), in view of White et al. (US Pat No. 6,034,689), and in further view of Mogul (US Pat No. 5,802,292).

In consideration of claim 1, the Landis et al. reference discloses a method wherein a television receiver (Col 7, Lines 8-12) "in response to detecting a channel change by the . . . television system, obtains contextual information pertaining to the television program" such as closed captioning information and alerts the user to its availability (Figure Col 4, Lines 38 – Col 5, Line 53). The reference, however, is silent with respect to the receiver further retrieving supplemental content related to the contextual information and further pre-caching that information.

In an analogous art relating to interactive television systems, the Wong et al. reference discloses a method for "obtaining contextual information pertaining to the television program

and automatically sending an information request [comprising the contextual information] to a content source" (ex. search engine [108]) "for supplemental content related to the television program prior to receiving a subsequent user request for such supplemental content" such that the system performs or "allow[s] queries for supplemental content without requiring the creation of a database associating supplemental content with programming times" (Figures 2 and 4). Search engine [108] is described as being implemented as a separate computing system (Col 4, Lines 24-28). Therefore, the reference suggests that the particular search engine could be implemented on the separately illustrated remote Internet server [160] (Col 5, Lines 18-22). The system "in response to the content source identifying any supplemental content related to the television program being displayed based upon the supplemental content, retrieves the supplemental content . . . receives a user request to find supplemental content . . . [and] without further user input retriev[e] the . . . supplemental content for display by the interactive television system" associated with displaying the content [58] corresponding to the selected URL [56] (Figure 1; Col 3, Line 26 – Col 4, Line 50; Col 5, Line 54 – Col 6, Line 10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Landis such that "in response to detecting a channel change on the interactive television system, obtaining contextual information pertaining to the television program and automatically sending an information request [comprising the contextual information] to a content source for supplemental content related to the television program prior to receiving a subsequent user request for such supplemental content . . . [and] in response to the content source identifying any supplemental content related to the television program being displayed based upon the

supplemental content, retriev[ing] the supplemental content . . . receiving a user request to find supplemental content . . . [and] without further user input, to retriev[e] the . . . supplemental content for display by the interactive television system receiving a user request of find supplemental content" for the purpose of providing a system and method to facilitate prompt access to relevant information (Wong et al.: Col 1, Lines 12-24 and 61-67).

In association with the particular 'user request to find supplemental content', the combined references are silent with respect to the usage of a 'specifically-designated button on a remote control device' such as that used in a WebTV™ system (Wong et al.: Col 4, Lines 51-55; Col 8, Lines 6-20). In an analogous art pertaining to interactive television systems, the White et al. reference discloses a WebTV™ wherein a "user request is received in response to a user activating a specifically-designed button on a remote control device for the interactive television system" such that the particular usage of the 'enter' button [19] causes a selected URL to be activated and the corresponding web page retrieved/displayed (Figure 3; Col 6, Line 65 – Col 7, Line 37). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references to "receive a user request to find supplemental content, wherein the user request is received in response to a user activating a specifically-designated button on a remote control device for the interactive television system" for the purpose of providing a means by which a person can access and navigate web content using an ordinary television set and remote controller with minimal effort and thought (White et al.: Col 1, Line 63 – Col 2, Line 8).

The combined references, however, are silent with respect to the particular usage of 'pre-caching' supplemental content. In an analogous art directed towards the same problem of

reducing latency for retrieved/requested content, the Mogul reference discloses a system and method for "retrieving the supplemental content from [a] content source" (ex. [12/18]) and "pre-caching the retrieved supplemental content in the . . . system" [10] (Figure 2; Col 2, Line 61 – Col 3, Line 38; Col 3, Line 50 – Col 4, Line 13). The user can subsequently instantaneously access the supplemental content or web page from the local cache if it has already been retrieved (pre-fetched). In particular, the reference teaches that a 'content server' either associated with a proxy server [12] or other remote server [14/16] maintains a cache of 'supplemental content' or web-pages and subsequently distributes filtered URLs to the client analogous to the Wong et al. search engine [108]. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combined references to perform a 'method for pre-caching an interactive television with supplemental content related to a television program being displayed by the interactive television system . . . [such that] in response to the content source identifying any supplemental content related to the television program being displayed based upon the contextual information, retrieving the supplemental content from the content source and pre-caching the retrieved supplemental content in the interactive television system . . . and without further user input, retrieving the pre-cached supplemental content for display by the interactive television system" for the purpose of advantageously improving the perceived latency when a user requests a desired object (Mogul: Col 1, Lines 32-65).

In consideration of claim 31, as previously discussed, the Landis et al. reference discloses a system including a television receiver (Col 7, Lines 8-12) or "set top box configured to sense a change in the television program being displayed and in response to detecting the

channel change, [to] obtain contextual information pertaining to the television program" such as closed captioning information and to alert the user to its availability (Figure Col 4, Lines 38 – Col 5, Line 53). The reference, however, is silent with respect to the receiver further retrieving supplemental content related to the contextual information and further pre-caching that information.

In an analogous art relating to interactive television systems, Figure 3 of Wong et al. reference illustrates a 'system' including a "set-top box" [120] that "obtains contextual information pertaining to the television program [and] automatically send[s] an information request [comprising the contextual information] to a content source" such as that associated with the search engine [108] "for supplemental content related to the television program prior to receiving a subsequent user request for such supplemental content" such that the system performs or "allow[s] queries for supplemental content without requiring the creation of a database associating supplemental content with programming times" (Figures 2 and 4). The system "retrieves supplemental content . . . in response to the content source identifying the supplemental content as being related to the television program based upon the contextual information", "receive[s] a user request to find supplemental content in response to a user . . . and without further user input retriev[e] the . . . supplemental content for display by the interactive television system" (Figure 1; Col 3, Line 26 – Col 4, Line 50; Col 5, Line 54 – Col 6, Line 10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Landis such that the system comprises a "set top box configured to sense a change in the television program being displayed by detecting a channel change and, in response to detecting the channel change, obtain

contextual information pertaining to the television program, automatically send an information request to a content source for supplemental content related to the television program prior to receiving a subsequent user request for such content, the information request comprising the contextual information, retrieve supplemental content . . . in response to the content source identifying the supplemental content as being related to the television program based upon the contextual information . . . receive a user request to find supplemental content in response to a user . . . and without further user input, retrieve the . . . supplemental content for display by the interactive television system" for the purpose of providing a system and method to facilitate prompt access to relevant information (Wong et al.: Col 1, Lines 12-24 and 61-67).

In association with the particular 'user request to find supplemental content', the combined references are silent with respect to the usage of a 'specifically-designated button on a remote control device' such as that used in a WebTV™ system (Wong et al.: Col 4, Lines 51-55; Col 8, Lines 6-20). In an analogous art pertaining to interactive television systems, the White et al. reference discloses a WebTV™ that "receives a user request to find supplemental content in response to a user activating a specifically-designed button on a remote control device for the interactive television system" such that the particular usage of the 'enter' button [19] causes a selected URL to be activated and the corresponding web page retrieved/displayed (Figure 3; Col 6, Line 65 – Col 7, Line 37). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references to further "receive a user request to find supplemental content in response to a user activating a specifically-designated button on a remote control

device for the interactive television system" for the purpose of providing a means by which a person can access and navigate web content using an ordinary television set and remote controller with minimal effort and thought (White et al.: Col 1, Line 63 – Col 2, Line 8).

The combined references, however, are silent with respect to the particular usage of 'pre-caching' supplemental content. In an analogous art directed towards the same problem of reducing latency for retrieved/requested content, the Mogul reference discloses a system to "retrieve supplemental content from [a] content source" (ex. [12/18]) and "pre-cache the retrieved supplemental content in the . . system" [10] (Figure 2; Col 2, Line 61 – Col 3, Line 38; Col 3, Line 50 – Col 4, Line 13). The user can subsequently instantaneously access the supplemental content or web page from the local cache if it has already been retrieved (pre-fetched). In particular, the reference teaches that a 'content server' either associated with a proxy server [12] or other remote server [14/16] maintains a cache of 'supplemental content' or web-pages and subsequently distributes filtered URLs to the client similar to the Wong et al. search engine [108]. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combined references to entail a 'system for pre-caching an interactive television with supplemental content related to a television program being displayed by the interactive television system . . . [such that a set-top box is configured to] retrieve supplemental content from the content source in response to the content source identifying the supplemental content as being related to the television program based upon the contextual information, pre-cach[ing] the retrieved supplemental content in the interactive television system . . . and without further user input, retrieve the pre-cached supplemental content for display by the interactive television system"

for the purpose of advantageously improving the perceived latency when a user requests a desired object (Mogul: Col 1, Lines 32-65).

Claims 2 and 32 are rejected wherein "in response to the subsequent user request to find supplemental content related to the television program being displayed, displaying the pre-cached supplemental content using the interactive television system" (Wong et al.: Figure 1; Col 3, Lines 55-64).

Claims 6 and 36 are rejected wherein the method further comprises "repeating the sensing, retrieving, and pre-caching steps at periodic intervals" corresponding to the periodic check for the presence of the existence of contextual information, the subsequent periodicity of the received contextual information in the television signal, and periodicity specified in the pre-fetching preferences "prior to receiving the user request while the television program is being displayed by the interactive television system" (Landis et al.: Col 4, Line 60 – Col 5, Line 12; Wong et al.: Col 3, Lines 24-55; Mogul: Col 4, Lines 5-13).

Claims 7 and 37 are rejected wherein the "contextual information comprises an indication of the television program being displayed" (Wong et al.: Figure 1). For example, the 'contextual information' corresponds to keywords regarding and derived from the currently broadcast/displayed program [52].

Claims 8 and 38 is rejected wherein the system/method "read[s] the indication of the television program from vertical blanking interval (VBI) data associated with television program" (Landis et al.: Col 1, Lines 25-33).

In consideration of claims 9 and 39, the claim and specification provide no specific basis for what is to be construed as comprising 'electronic programming guide (EPG) data'. The

Landis et al. reference discloses "reading [an] indication of the television program from electronic programming guide (EPG) data associated with the television program" (Col 6, Lines 3-5). In particular, the disclosed 'television program information' of Landis et al. referenced in the cited passage is considered to meet the claimed 'electronic programming guide (EPG) data' in so far as the 'television program information' is 'electronic . . . data' (ex. distributed via an RF signal in line 21 in the VBI) that further 'guides' the user with contextual information regarding the currently tuned 'programming'. The Wong et al. reference discloses "reading the indication of the television program from . . . data associated with the television program" as derived from a number of sources including corresponding text information (Figure 4). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references to further utilize 'electronic programming guide (EPG) data' or other extracted television programming information so as to further facilitate the dynamic search and retrieval of relevant content-based information corresponding to a particular program.

In the alternative and assuming arguendo, that 'television programming information' of Landis is not properly broadly construed as a form of 'electronic programming guide (EPG) data', the examiner takes OFFICIAL NOTICE as to the particular usage and distribution of 'electronic programming guide (EPG) data' within the VBI as being notoriously well known in the art. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references to further utilize 'electronic programming guide (EPG) data' or other extracted television programming

information so as to further facilitate the dynamic search and retrieval of relevant content-based information corresponding to a particular program.

Claims 10 and 40 are rejected in light of the combined references wherein the method further comprises "searching the content source for supplemental content related to the indication of the television program" (Wong et al.: Col 4, Lines 13-31; Mogul: Col 3, Lines 14-22) so as to avoid retrieving files or network objects should they already be cached at the 'content server'.

Claims 14 and 44 are rejected wherein the "contextual information comprises at least one keyword obtained from closed-caption text associated with the television program" (Wong et al.: Col 3, Lines 29-48).

Claims 15 and 45 are rejected wherein "searching the content source for supplemental content comprises the at least one keyword" (Wong et al.: Col 3, Lines 29-55).

In consideration of claims 18-20 and 48-50, as previously discussed, the combined references disclose the particular usage of the Internet based search operation to send an 'information request' in order to subsequently retrieve supplemental content. It is necessary to the operation of an Internet or network based retrieval system such that the "information request comprises an identifier of the interactive television system" so as to subsequently return/route the information to the requesting terminal. Furthermore, applicant's admission of fact provides evidence as to the usage of "one of a media access control (MAC) address and in Internet protocol (IP) address" in connection with routing information to client terminals is notoriously well known in the art. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to employ "one

of a media access control (MAC) address and in Internet protocol (IP) address" in connection with the "information request . . . of the interactive television system" for the purpose of providing a means for "sending the identified supplemental content from the content source to an interactive television system associated with the identifier" in accordance to the standard TCP/IP protocol utilized by the Internet.

Claims 21 and 51 are rejected wherein "the contextual information comprises an indication of a channel being displayed" and the system/method further "uses the indication of the channel to identify a content source to receive the information request" (Wong et al.: Figure 1). For example, the 'contextual information' corresponds to keywords regarding and derived from the currently broadcast/displayed program [52], this information is subsequently utilized to 'identify a content source' in association with the actuation of the search process.

Claims 22 and 52 are rejected wherein Figure 1 of Wong et al. illustrates "displaying the supplemental content" [58] "simultaneously with the television program" [50] "in response to the subsequent user request" (Wong et al.: Col 3, Lines 55-61).

Claims 23 and 53 are rejected wherein Figure 1 of Wong et al. further illustrates "reducing the size of the displayed television program relative to the size of the displayed supplemental content" such that the television program [50] is shown as having been reduced from a traditional full-screen display (ex. Landis et al.: Figure 2) to a smaller windowed version relative to the supplemental content [58].

Claims 24 and 54 are rejected wherein the "retrieving comprises filtering the supplemental content according to a set of user preferences for determine which

supplemental content is to be pre-cached prior to receiving the user request" (Wong: Col 4, Lines 24-32; Mogul: Col 4, Lines 5-13 and 34-41).

Claims 26 and 56 are rejected wherein the "user preferences are stored at the content source and accessed using the identifier of the interactive television system, and wherein the user preferences are stored at the content source and accessed sing the identifier of the interactive television system" (Mogul: Col 4, Lines 34-41).

Claims 27 and 57 are rejected wherein "at least one user preference includes a type of supplemental content to exclude" such as that associated with specific web-sites (Wong: Col 4, Lines 24-32).

Claims 28 and 58 are rejected wherein the "at least one user preference indicates a type of supplemental content preferred by the user" such as types of content related previously requested information or content types associated with particular sites (Mogul: Col 4, Lines 34-41; Wong: Col 4, Lines 24-32).

Claims 29 and 59 are rejected wherein "at least one user preference indicates a source of supplemental content preferred by the user" (Wong: Col 4, Lines 24-32).

Claims 30 and 60 are rejected wherein "at least one user preference is stored in response to historical analysis of user selections of supplemental content" (Mogul: Col 4, Lines 34-41).

6. Claims 16, 17, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis et al. (US Pat No. 5,428,400), in view of Wong et al. (US Pat No. 6,748,375), in view of White et al. (US Pat No. 6,034,689), in view of Mogul (US Pat No. 5,802,292), and in further view of Mighdoll et al. (US Pat No. 5,918,013).

Regarding claims 16, 17, 46, and 47, the Mogul reference suggests the particular usage of 'proxy servers' that comprise localized caches of content (Col 3, Lines 1-39) but is generally silent with respect to their usage. In an analogous art pertaining to interactive television systems, the Mighdoll et al. reference discloses a system for caching requested Internet based content in order to improve response times associated with the retrieval and display of information. In particular, the reference discloses that "in response to supplemental content . . . not being found at the content source" or local proxy "the system searches a global information network for supplemental content. . . and retrieves the supplemental content from the global information network for storage in the interactive television system" (Figure 6; Col 8, Line 28 – Col 10, Line 54). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined teachings so as to employ a tiered retrieval process involving caching at a local "content source" wherein if a particular request cannot be locally fulfilled then a "global infrastructure" request is relied upon for the purpose of improving latency requirements associated with the download of requested documents associated with the preprocessing of requested content for display on a television type device (Mighdoll et al.: Col 1, Line 54 – Col 2, Line 7).

7. Claims 25-30 and 55-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis et al. (US Pat No. 5,428,400), in view of Wong et al. (US Pat No. 6,748,375), in view of White et al. (US Pat No. 6,034,689), in view of Mogul (US Pat No. 5,802,292), and in further view of Reese (US Pat No. 6,374,237).

In consideration of claims 25-30 and 55-60, as previously discussed the combined references employ filtering; however, it is unclear that the "set of user preferences is included with the information request". In an analogous art related to similar problems associated with filtering search results, the Reese reference discloses a system and method that utilizes "user preferences" in conjunction with performing a search operation wherein "the set of user preferences is included with the information request" (Reese: Col 1, Lines 55-63). The distributed user profile serves as an "identifier of the interactive television system . . . wherein the user preferences are stored at the content source and accessed using the identifier of the interactive television system" indicative of the particular user to which the profile is associated (Col 4, Lines 6-21). The user profile implicitly indicates "a type of supplemental content to exclude" or those documents that do not match that user's preferences and in the alternative "a type of supplemental content preferred by the user" by virtue of the provided information in the profile (Col 4, Lines 34-47; Col; 5, Lines 55-63) and or be "stored in response to historical analysis of user selections of supplemental content" to be used for filtering responses in accordance with a profile when responding to a user generated search requests (Col 2, Lines 49-65; Col 3, Lines 20-32 and 45-58; Col 8, Lines 26-53). Furthermore, the "user preferences may indicate a source of supplemental content preferred by the user" namely only those 'sources' that corresponding to documents having a particular quality factor (Col 3, Lines 55-58; Col 7, Line 53 – Col 8, Line 2). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined references to utilize various aspects of user preferences in association with filtering supplemental content for the purpose of providing means for adaptively

filtering retrieved search results into a format that is more meaningful to the user (Reese: Col 1, Lines 22-51).

8. Claims 61 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis et al. (US Pat No. 5,428,400), in view of Wong et al. (US Pat No. 6,748,375), in view of White et al. (US Pat No. 6,034,689), in view of Mogul (US Pat No. 5,802,292), and in further view of Tso et al. (US Pat No. 6,681,298).

In consideration of claims 61 and 62, the combined references are silent with respect to 'periodically replacing pre-cached supplemental content according to a replacement algorithm'. In an analogous art directed towards a similar problems associated with cached content, the Tso et al. reference discloses a method for "periodically replacing pre-cached supplemental content according to a replacement algorithm . . . wherein the replacement algorithm comprises a least recently used (LRU) algorithm" (Figure 6; Col 1, Lines 41-59; Col 5, Lines 48-56). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teachings so as to utilize a 'replacement algorithm' as claimed for the purpose of advantageously optimizing/managing a limited storage space to keep as many relevant documents as possible in the cache by taking into account a number of relevant factors (Tso et al.: Col 8, Lines 4-11).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of

claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Mankovitz et al. (US Pat No. 6,341,195) reference provides evidence that it is known in the art to distribute electronic programming guide information in the VBI.
- The Newberry et al. (US Pat No. 5,625,406) reference explicitly discloses that it is known to those skilled in the art to distribute channel guide information in the vertical blanking interval (Col 3, Lines 29-37).
- The Grooters (US Pat No. 6,839,705) reference discloses a system and method for delivering and caching preprocessed search results corresponding to supplemental television content in order to improve the performance of background information searches.
- The Suchter (US Pat No. 6,675,161) reference provides evidence that the particular usage of Internet search engines that comprise a cache of content is well known in the art (Col 4, Lines 49-58).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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